



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of September 22, 2006

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the August 23, 2006 meeting

NEW BUSINESS

2. Request for Matching Funds Because of RGA Advertisements

The LaMarche for Governor campaign has requested matching funds based on two television advertisements mentioning Chandler Woodcock sponsored by the Republican Governors Association. The LaMarche campaign argues that the advertisements expressly advocate the election of Chandler Woodcock, and may have been coordinated with the Woodcock campaign. The RGA and the Woodcock campaign deny that the advertisements contain express advocacy and that there was any coordination.

3. Complaint regarding House Democratic Campaign Cmte Flyer for Charlie Priest

Amy McKenna, a Republican candidate for the Maine House of Representatives in Brunswick filed an inquiry regarding a flyer distributed by the House Democratic Campaign Committee (HDCC) in support of her opponent, Charlie Priest. Ms. McKenna complains that the flyer lacks the required disclosure indicating whether the flyer was authorized by the candidate, and asks whether she would be entitled to matching funds. The HDCC responds that it produced the flyer independently of the candidate, and that its total cost was under \$8.00. *Staff recommendation: the staff recommends finding the HDCC in violation for not including the proper disclosure on the flyer, assessing no penalty for the violation, and awarding no matching funds to Ms. McKenna.*

4. Complaint regarding Maine Democratic Party Mailings for Rep. Janet Mills

John N. Frary, the chair of the Franklin County Republican Party, has requested that the Ethics Commission examine two mailings paid for by the Maine Democratic Party which he believes promotes the candidacy of Rep. Janet Mills: an invitation to a community meeting, and a postcard encouraging constituents to telephone her regarding legislative issues. The Maine Democratic Party responds that the two mailings were not contributions to her campaign or independent expenditures in support of her candidacy. *Staff recommendation: the staff recommends taking no further action on the complaint.*

5. Complaint regarding Expenditures by Senate Candidate David Babin

David Babin is a Maine Clean Election Act (MCEA) candidate for State Senate, District #8, in Portland. The Ethics Commission received a complaint from William D. Dobrowolski relating to advertising purchased by the Babin campaign in a community newspaper. He complains that Mr. Babin used his MCEA funds to support the Taxpayer Bill of Rights (TABOR) citizen initiative and is thereby violating a restriction in the Commission's official guidelines for the use of MCEA funds. *Staff recommendation: the staff believes that the views expressed by the candidate on TABOR were part of his campaign, and recommends taking no action on the complaint.*

6. Request for Advisory Opinion from Democratic and Republican Parties

Counsel for the Maine Democratic and Republican parties request an advisory opinion on several issues regarding the consequences of party committees' provision of paid staff to advise candidates and making independent expenditures, the role of political action committees in supporting candidates, and the issue of when a Legislator's acceptance of a contribution from a lobbyist occurs. Commission staff has prepared a proposed opinion for the Commission's consideration.

7. Request for Penalty Waiver/Lynda Quinn

Lynda Quinn was a write-in candidate in the Republican primary election for Somerset County Commissioner, District #3. She spent \$623.28 of her personal money for the primary election. She received the required number of votes to become her party's nominee in the general election. As a candidate, she was required to file a campaign finance report on July 25. She filed it 24 days late on August 18. The preliminary amount of the penalty for the late filing is \$149.63 based on the statutory formula. Ms. Quinn requests a waiver of the penalty because she had no written guidelines about financial reporting before the penalty. *Staff recommendation: the staff recommends reducing the penalty by 50% to \$74.86. Because she was a write-in candidate and the staff did not know of her candidacy, she did not receive a late-filing notice sent three days after the July 25 deadline.*

8. Request for Penalty Waiver/Edward Blais

Edward Blais was a write-in candidate in the Republican primary election for Cumberland County Sheriff. He received the required number of votes to become his party's nominee for the general election. As a candidate he was required to file a campaign finance report on July 25. He filed it 10 days late on August 4. The report disclosed that he received \$1,150 in cash contributions, \$222.00 in in-kind contributions, and made \$40.44 in expenditures. The preliminary amount of the penalty for the late filing is \$115.00 based on the statutory formula. Mr. Blais requests a waiver of the penalty because he had difficulty finding out from the Secretary of State's Office whether he had received sufficient votes to be a general election candidate. *Staff recommendation: the staff recommends reducing the penalty by 50% to \$57.50. Because he was a write-in candidate and the staff did not know of his candidacy, he did not receive a late-filing notice sent three days after the July 25 deadline.*

9. Report on Auditing of Maine Clean Election Act Candidates

The Commission staff has begun its program of auditing of 20% of the 2006 Maine Clean Election Act candidates by reviewing their vendor receipts, invoices, and bank records. The staff wishes to show the Commission some samples of "no exception" audit reports (for campaigns with full compliance to date) and to discuss whether the staff should submit to the Commission members any reports or summaries regarding fully compliant campaigns.

EXECUTIVE SESSION

If necessary

ADJOURNMENT